

REMARKS

Claims 16-24 remain in this application. Claims 1-15 were previously canceled. Reconsideration of the application is requested.

The comments provided by the Examiner in section 4 on page 2 of the Office Action are moot as a result of the amendments above. All claims of this application should now comply with the requirements of 35 U.S.C. § 112, second paragraph.

Independent claim 16 is rejected under 35 U.S.C. § 103(a), along with all dependent claims, as unpatentable over the Nakane et al. and Viano et al. documents, both of record. Reconsideration is requested.

As the Examiner acknowledges in section 9 on page 4 of the Office Action, the Nakane et al. publication does not disclose an element aligned in the seat back as claim 16 defines. The Examiner, however, proposes to modify the Nakane et al. headrest apparatus, contending that it would have been obvious to provide the Nakane et al. seat with the support channels of the Viano et al. arrangement in order to provide increased comfort for the rider.

First, however, there is nothing to suggest either that the Nakane et al. headrest apparatus provides anything other than optimum rider comfort, or that such comfort would in any way be "increased" as a result of the modification proposed by the Examiner. It is respectfully submitted that the rationale supplied by the Examiner for the proposed modification to the Nakane et al. configuration is not appropriate.

Second, the invention as defined by claim 16 above would not result from the modification to the Nakane et al. configuration proposed. The alignment members 12 of the Viano et al. embodiment shown in Figures 1-3 do not, and the impact plate 34 of the Viano et al. embodiment shown in Figures 4-5 does not, constitute an element having (1) a base facing the vehicle passenger, (2) an upper side flank, extending as specified, having a first hole therein that receives a connection element, (3) a lower side flank, extending as specified, having a second hole therein that receives the connection element, and (4) an open side oriented away from the vehicle passenger to an area behind the motor vehicle seat as claim 16 above defines. Consequently, even if the modification to the Nakane et al. apparatus proposed is made, the modified Nakane et al. apparatus would not include an element aligned in the seat back as claim 16 presently defines.

It is respectfully submitted that independent claim 16 above is patentable for reasons discussed. The rest of the claims in this application are dependent claims and should be patentable along with claim 16.

This application should now be in allowable condition. If there are any questions regarding this Reply or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.56078US).

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Respectfully submitted,



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